

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

JAMES D. JOHNSON

CIVIL ACTION NO. 06-1404

VS.

JUDGE DOHERTY

LAFAYETTE CLUB VENTURE LTD.

MAGISTRATE JUDGE METHVIN

RULING ON MOTION TO COMPEL
(Rec. Doc. 23)

Before the undersigned magistrate judge is the Motion to Compel filed by defendant Lafayette Club Venture, LTD. on June 15, 2007. The motion is unopposed.¹

Mover seeks an order requiring *pro se* plaintiff to answer the Interrogatories and Request for Production of Documents propounded on plaintiffs on March 27, 2007. The record shows that mover's counsel has had four telephone conferences with plaintiff in an attempt to obtain discovery responses, but no responses have been provided.

Considering the foregoing,

IT IS HEREBY ORDERED that mover's unopposed Motion to Compel is **GRANTED**. Plaintiff shall provide full and complete responses to defendant's discovery **within ten days of the date of this order**.

IT IS FURTHER ORDERED that, considering that plaintiff is proceeding pursuant to F.R.Civ.P. 37(a)(4), plaintiff shall pay the attorney's fees and costs incurred in connection with the filing and prosecution of the instant motion to compel. Counsel for defendant shall file a motion to set attorney's fees and an affidavit of fees and costs into the record **on or before**


¹ Local Rule 7.5W requires that written opposition to a motion be filed within 15 days after service of the motion. Plaintiff has not filed an opposition.

August 10, 2007 in order to assist the court in the assessment of a reasonable fees and costs award. The affidavit(s) shall contain: (1) The customary hourly rate of each attorney and paralegal involved; (2) a detailed description of each task completed, and a statement of the amount of time expended upon each task; and (3) an itemized list of expenses incurred. Failure to file the affidavit in the form required and/or within the deadline imposed will render the award null and void. **Objections to the affidavit shall be filed on or before August 20, 2007.**

The Clerk of Court shall notice any motion and affidavit filed for consideration on the undersigned's August 2007 motion calendar, without oral argument, as an "assessment of Rule 37(a)(4) fees and expenses."

IT IS FURTHER ORDERED that the Clerk shall remove the motion to compel from the undersigned's July 25, 2007 motion calendar.

Signed at Lafayette, Louisiana, on July 18, 2007.


Mildred E. Methvin
United States Magistrate Judge
800 Lafayette St., Suite 3500
Lafayette, Louisiana 70501
(337) 593-5140 (phone) 593-5155 (fax)